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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11941 of 2021

Manjunathan

.. Petitioner/accused(rank not known)

/versus/

State:Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
(Crime No.55 of 2021)

.. Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to release the petitioner on bail pending investigation in Crime No.55 of 2021 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2021 for the offence punishable under Sections 3, 4 of POCSO Act 2012 and Section 9 of Prevention of Child Marriage Act, 2006 in Crime No.55 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl aged about 17 years was kidnapped by the petitioner and had physical relationship with the victim girl. Due to which, she got pregnancy of 4 ½ months. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner fell in love with the victim girl aged about 17 years. Due to love affair, she eloped with the petitioner. On the compulsion of the victim girl, they went to Tirupur and got married. Now, they are living together and the victim girl is pregnant of 4 ½ months. Further, he would submit that the petitioner is ready and willing to take the victim as life-partner, though he already married a woman and they have three children. Further, he would submit that the petitioner is in custody from 20.05.2021.



4. The learned Government Advocate (Crl.side) would submit that the petitioner, who is working as a Government Bus Conductor already married a woman and he is having three children. They have not legally separated. At this juncture, the petitioner had mesmerized the victim girl aged about 17 years and had spoken sweet words and thereafter, he had physical relationship with the victim girl, due to which she got 4 ½ months pregnancy. A statement was recorded under Section 164 of Cr.P.C.

5. It is seen that the petitioner is the sole accused aged about 28 years. The victim girl aged about 17 years. He had physical relationship with the victim girl. Due to which, she got 4 ½ months pregnancy. Though he already married with another girl and gave birth to three children. Admittedly, there is no legal separation to them. Therefore, there is no chance for getting married the victim girl. On the second time, since the first marriage is existence, if at all the petitioner is not separated the first wife legally, he cannot marry the victim girl.

6. Taking into consideration that the bad antecedents of the petitioner, this Court had dismissed the earlier application filed by the petitioner and that there is no change of circumstances. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is dismissed.

-sd/-

14/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

2 THE SUPERINTENDENT
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.11941/2021

Date :14/07/2021



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